REMARKS

Reconsideration and further examination of this application is respectfully requested. Claims 1, 3-7, and 12-17 were previously amended.

In the subject Office Action, the Examiner rejected claims 1, 3, 5-14 and 16-21 under 35 U.S.C. 103(a) as being unpatentable over Tittel et al., "XML for Dummies," copyright 2000 IDG Books Worldwide (hereinafter Tittel) in view of Molina-Moreno et al. (US Pat. Pub. No. 2004/0153992) (hereinafter Molina). The Examiner further rejected claims 4 and 15 under 35 U.S.C. 103(a) as being unpatentable over Tittel in view of Molina and further in view of Hsu et al. (US Pat. Pub. No. 2004/0010710) (hereinafter Hsu).

In the subject Office Action, the Examiner asserted that Tittel does not disclose creating a resultant HTML web page. However, the Examiner asserted that Molina describes an XML DTD starting at paragraph 0173 of Molina with the resultant web page graphic shown on page 29 of Molina, and the resultant markup language listing for the resultant web page shown starting on page 30 of Molina. The Examiner further asserted that the code segment "DOCTYPE HTML PUBLIC" in the markup language listing for the resultant web page indicates that the result is an HTML web page.

Applicant is unable to locate a description of the process for transforming the XML DTD to an HTML resultant web page in the Molina reference. An XML DTD persistence model is disclosed in paragraphs 0173-0254 of Molina. The Molina reference dedicates a great deal of disclosure to the exact contents of the XML DTD file(s), but there is not a disclosure of how the XML DTD file(s) are converted to a resultant HTML web page. Applicant is further unable to locate a disclosure in Molina that definitively links the resultant web page and markup language on pages 29-32 of Molina to the XML DTD file(s) described in paragraphs 0173-0254 of Molina. Assuming, *arguendo*, that the resultant web page and resultant web page markup language listing on pages 29-32 of Molina are the result of the XML DTD file(s) described in paragraphs 0173-0254 of Molina, there is still not a disclosure in Molina of how the resultant web page is created from the XML DTD file(s). Hence, the Molina reference does not disclose, teach or suggest the process described in claim 1 of the subject patent application which recites "parsing a definition file with a parser for locations of source files to form a webpage, said definition file comprising an address to the locations of predefined template files and the address

to all the associated supporting content files to extract the template to be used as well as the content files to be used with the template, said predefined template files comprising formatting information for said web page; interpreting the template file to determine the links for format files and content files; [and] <u>creating said web page by the parser as an HTML page</u> wherein the parser combines the format files with said all supporting content files." As described in prior Amendment D, submitted on September 17, 2007, Tittel discloses the creation of an XML web page, but <u>Tittel does not disclose the creation of a web page as an HTML page</u>. Thus, neither Tittel nor Molina disclose the creation of an HTML web page by parsing a definition file for locations of source files; interpreting the template file to determine the links for format files and content files; and creating the web page by the parser as and HTML page as recited in claim 1 of the subject patent application.

To make up for the lack of disclosure in Molina of the process of obtaining the resultant HTML web page and markup language listing from the XML DTD file(s) the Examiner assumes that the process of Tittel is used to obtain the HTML web page of Molina from the XML DTD file(s) of Molina. Molina fails to disclose the process by which the XML DTD file(s) in paragraphs 0173-0254 of Molina are used to obtain the resultant HTML web page and markup language listing on pages 29-32 of Molina. Further, Molina fails to disclose that the resultant HTML web page and markup language listing on pages 29-32 of Molina are, in fact, the end result of the XML DTD file(s) disclosed in paragraphs 0173-0254 of Molina. Thus, in order for Molina to disclose the resultant HTML web page as a result of the process of Tittel, the entire process of Tittel must be read into Molina as the process for changing the XML DTD file(s) of Molina to the resultant HTML web page and markup language listing.

A basic mandate inherent in Section 103 is that a piecemeal reconstruction of prior art patents shall not be the basis for a holding of obviousness. It is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. *In re Kamm*, 172 USPQ 298, 301-302 (CCPA 1972). To alter the teachings of Molina where a process to obtain a resultant HTML web page from XML DTD file(s) is not disclosed with the teaching of Tittel where a resultant HTML web page is not disclosed (see prior Amendment D submitted September 17, 2007) is an improper combination of Tittel and Molina under 35 U.S.C. 103(a).

Claim 1 of the subject patent application recites: "creating said web page by the parser <u>as</u> <u>an HTML page</u>." The result of claim 1 of the subject patent application is clearly a web page created as an HTML web page. As described in prior Amendment D, Tittel discloses a system that creates a web page as an XML page. As described above, the combination of Tittel with Molina is improper under 35 U.S.C. 103(a) since in order for the disclosure of Molina to obtain the resultant HTML web page of Molina from the XML DTD file(s) of Molina, the processes of Tittel must be impermissibly read into the disclosure of Molina. The Hsu reference does not make up for the deficiencies of Tittel in view of Molina as the Hsu reference is directed to the authorization of a client to view the content of a web page. Therefore, the Examiner has failed to make a proper *prima facie* case under 35 U.S.C. 103(a) and claim 1 of the subject patent application is patentable over Tittel in view of Molina.
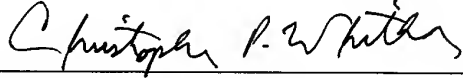
As acknowledged by the Examiner in item 13 of the subject Office Action, "independent claims 7, 13 and 17 . . . are directed toward a [similar] method or system [as] claim 1." Thus, independent claims 7, 13 and 17 of the subject patent are also patentable over the prior art for the same reasons as for claim 1 of the subject patent application. Since independent claims 1, 7, 13 and 17 are patentable over the prior art, dependent claims 3-6 depending from independent claim 1, dependent claims 8-12 depending from independent claim 7, dependent claims 14-16 depending from independent claim 13, and dependent claims 18-21 depending from independent claim 17 are also patentable over the prior art.

For the above stated reasons, Tittel was impermissibly combined with Molina in a piecemeal fashion. Thus, Tittel in view of Molina does not present a proper *prima facie* case of obviousness under 35 U.S.C. 103(a). Further, there is no disclosure of creating a web page as an HTML page by parsing a definition file and interpreting a template file as recited in the claims, even assuming, *arguendo*, that the references could be combined. If the Examiner persists with this rejection, the Examiner should either cite a reference disclosing creating a web page as an HTML page by parsing a definition file and interpreting a template file as recited in the claims of the subject patent application or submit an affidavit under 37 C.F.R. 1.104(d)(2).

The Hsu reference does not make up for the deficiencies of Tittel and/or Molina. Thus, the Examiner has failed to make a proper *prima facie* case of obviousness as is required under 35 U.S.C. 103(a). Therefore, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Dated this 11th day of March, 2008.

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